

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

Action Number 1:22cv154
(To be supplied by the Clerk, U.S. District Court)

Please fill out this complaint form completely. The Court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

I. PARTIES

A. Plaintiff:

1. (a) Corie Yates (b) 227 261
(Name) (Inmate number)
(c) 13400 Dillie Road
(Address)

Upper Marlboro Md, 20772

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

Plaintiff is advised that only persons acting under the color of state law are proper defendants under Section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under Section 1983. In addition, liability under Section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens, and sheriffs are not liable under Section 1983 when a claim against them rests solely on the fact that they supervise persons who may have violated your rights. In addition, prisons, jails, and departments within an institution are not persons under Section 1983.

B. Defendant(s):

1. (a) CPT. De Creare (b) Chief, Classification / monitor Records
(Name) (Title/Job Description)
(c) Fairfax County (VA)
(Address)
10520 Judicial Drive
Fairfax VA, 22030

2. (a) Major, Shimbazz (b) Confinement Division/Consult with Deputies about Confinement of Inmates
(Name) (Title/Job Description)

(c) 10520 Judicial Drive
(Address)

Fairfax VA, 22030

3. (a) LT. Quesenberry (b) Classification/Evaluate inmate housing status
(Name) (Title/Job Description)

(c) 10520 Judicial Drive
(Address)

Fairfax VA, 22030

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

Plaintiff MUST provide a physical address for defendant(s) in order for the Court to serve the complaint. If plaintiff does not provide a physical address for a defendant, that person may be dismissed as a party to this action.

II. PREVIOUS LAWSUITS

A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes [] No [✓]
B. If your answer to "A" is Yes: You must describe any lawsuit, whether currently pending or closed, in the space below. If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.

1. Parties to previous lawsuit:

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county):

3. Date lawsuit filed: _____

4. Docket number: _____

4. (A) LT. Spindle (B) Classification/Evaluate
(C) 10520 Judicial Drive inmate housing status
Fairfax VA 22030

5. (A) LT. Robertson (B) Confinement / consult
(C) 10520 Judicial Drive with classification on
Fairfax VA 22030 Inmate housing status

6. (A) LT. MEeks (B) Confinement / consult
(C) 10520 Judicial DRIVE with classification on
Fairfax VA 22030 Inmate housing status

7. (A) P. Leach (B) ADA Coordinator /
(C) 10520 Judicial DRIVE provides Accomodations
Fairfax VA 22030 for disabled Inmates

8. (A) STacey Kincaid (B) Head sheriff / over
(C) 10520 Judicial Drive see productivity conducted
Fairfax VA 22030 at the jail

9. (A) Fairfax County Sheriff Dept. (B) grievance coordinator
(C) 10520 Judicial DRIVE
Fairfax VA 22030

10. (A) LT. Dorsey (B) grievance coordinator
(C) 10520 Judicial DRIVE
Fairfax VA 22030

5. Name of Judge to whom case was assigned: _____

6. Disposition (Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?):

III. GRIEVANCE PROCEDURE

A. At what institution did the events concerning your current complaint take place:

Fairfax County (Adult Detention Center)

B. Does the institution listed in "A" have a grievance procedure? Yes No

C. If your answer to "B" is Yes:

1. Did you file a grievance based on this complaint? Yes No

Smart communication Kiosk, on 11-12-2021

2. If so, where and when: And 11-15-2021 Reference # 10,254,082 And 10,253,941

3. What was the result? I was ignored more than 3 times and

my open grievance was left pending

4. Did you appeal? Yes No

5. Result of appeal: was still not answered my grievance

Appeal Reference # is 10,465,539 on 12-13-2021

D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes No

If your answer is Yes, what steps did you take? TALKed to a post Deputy who

Sent a LT. he said I followed all procedure put in for
The grievance

E. If your answer is No, explain why you did not submit your complaint to the prison authorities:

IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

① The Actions of Defendants denying Accomodations And failing to offer An alternative solution other than placing shackles around Plaintiff Injured leg causing Bodily injury And severe pain were done maliciously. Causing my Civil Rights to be violated by the Fairfax County Sheriff's Dept. By Deliberate Indifference neglecting, Willingly And Acting maliciously with blatant disregards to my medical condition, which is causing an Excessive Risk to my Health and Safety. Recently having Surgery done which the surgeons has placed a metal rod in my leg And in the recovery stage it was hard and still is very difficult to maneuver, which has caused medical staff to afford me the use of a walker and now crutches. The restriction imposed upon me which are hand cuff And shackles whenever in out of the cell. Shackles causing Bodily injury and severe pain and were being used and I

was only 2 days out of surgery. Coming out of the cell multiple times a day to be seen by medical staff alone. When I voiced concern about these restrictions they were ignored and I never was supplied a wheelchair.

Where prison officials knew that something was objectively unusual, and failing to remedy it or take action they are in fact Deliberate Indifferent thus showing medical Indifference and neglect which is a violation of my Eighth Amendment right unnecessary and wanton infliction of pain [Constitutional cruel and unusual punishment forbidden by the Amendments] are those without penological Justification.

On 8-22-21, I was arrested and transported to the Fairfax county Hospital for a broken leg I went under surgery having a metal rod placed in my leg which extends from my knee down to my ankle

On 8-25-2021, I was transported to the Fairfax county (ADE) and placed on the medevac unit, upon arrival I was placed on 2 deputy Escort with hand and leg restraint whenever I'm out of the cell which has made it nearly impossible to walk to the nurses station. Thus being only

2 days out of surgery, having to report to the nurses station 3 times a day 9:00 am, 3:00 pm and at 9:30 pm. Coming out of the cell I was subjected to unusual and strenuous activity placing my hands through the food slot to be handcuffed were they attached this leash similiar to a Dogs leash to the handcuffs while my hands were through the food slot having to bend over which was extrely uncomfortable, then walking in a bend over position as they open the door walking with the door while my hands were through the food slot handcuffed attached to the leash which was tied to the door handle causing severe pain to my injured leg. Once door was open having to lift each leg so the shackles could be placed around my ankles causing excessive amounts of pain and still being tied to the door as they proceeded. That's when I mentioned to the deputies about the pain and you could see the swelling around my leg where the shackles rested. One of my medications is for the swelling. So when I voiced this problem and said why must you do this I had a metal rod just placed in my leg a few days ago you could see the stitches and swelling and can I have a wheel chair

to accomodate me. I was denied and told that any of my concerns are to be taken up with the classification sector. You have a review on 9-16-2021.

On 9-16-2021 A review of my classification status was conducted by Defendant LT. Spindle and LT. Robertson both who were made aware of my injured condition which I explained again the pain the shackles were causing, I was denied any accomodations for me and continued with the imposed restrictions when defendant CPT. DeGrae Approved. I appealed which was denied also. me being shackled on the medical unit went on from 8-25-2021 to 9-29-2021 until I was moved to a different unit where I'm using crutches and they continue to put shackles on my leg.

On 10-27-2021 I applied for another review which was held by defendant LT. Meeks and LT. Quesenberry to whom I explained the extreme risk and pain to my injured leg the shackles cause and the difficulty in my walking. Seeing that I am using crutches and still have not been afforded the use of a wheel chair, I made known that I

have also been attending physical therapy to help the repositioning of my leg which Also the therapist has voiced her concerns about the treatment and placement of the shackles as well as the risk. To which it was maliciously denied in addition to the restrictions were upheld which have been Approved again by Cpt. DeGraaf. Eventhough on both reviews it states i been showing positive behavior Every since. i entered the Jail but yet still no change in custody status.

On 10-27-2021 I filed an appeal which was Denied by defendant Major shabazz letting him know my concerns and making him to converse with defendant P. Leach the (ADT) coordinator about accommodations for my disability and the use of shackles when out of my cell period and still none were made Thus i am filing suits on these named defendants and also STacey Kincaid (The Head sheriff) and overseer of operations and policies. The protocols put in place deliberately affecting my medical status and none of the said defendants attempted to make accommodations for my disability

② Access to the Courts violation claim.

- Interference claim

On 11-12-2021 Reference # 10,233,097, On 11-15-2021 Reference # 10,254,082 and same date reference # 10,253,941, via the smart communication kiosk, I was interfered with by prison official defendant LT Dorsey when trying to pursue legal action. multiple times I applied for a grievance when i was told i didn't follow procedure so i applied again numbering every step i took to follow procedure once it was establish that i followed procedure i was told by LT Dorsey they would reach out to medical which medical ^{HAD} ~~HAD~~ no reason to be contacted but they knew the situation about my injury after weeks of waiting I got no response so i logged in and commented about the wait and what was going on, i never was answered and my documentation was ignored when i made a few comments about it. Thus being denied access to the courts by LT Dorsey deliberately blocking the grievance procedure so i couldn't pursue legal action.

V. RELIEF

I understand that in a Section 1983 action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. CY (please initial)

The plaintiff wants the Court to: (check those remedies you seek)

Award money damages in the amount of \$ 300,000.00

Grant injunctive relief by when procedure been followed issue the grievance re quoted

Other _____

VI. PLACES OF INCARCERATION

Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date(s) of transfer. Provide an address for each institution.

Fairfax County (ADC) inmate # 2103551 - 10520 Judicial Drive
Fairfax VA, 22030

Transferred on 12-14-2021 to

P.G county correctional center 13400 Dille Rd upper marlboro
md 20772

VII. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

Do you consent to proceed before a U.S. Magistrate Judge: Yes No . You may consent at any time; however, an early consent is encouraged.

VIII. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this 27 day of January, 2022.

Plaintiff Con Yatuz

Verification

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Upper Marlboro, Maryland on 1-27-2023

Corie Gates

Corie Gates

13400 Dillie Rd

Upper Marlboro MD 20772

United States District Court
Document 1 Filed 02/10/22 Page 13 of 23 Page
Eastern District of Virginia
Richmond Division

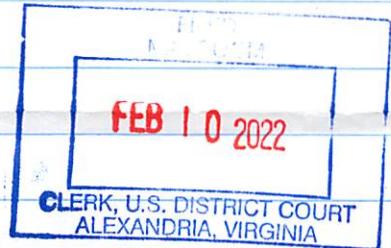
Corie Yates,
Plaintiff

Complaint

VS.

Civil Action No.

STACEY KINENID, Head Sheriff 3
OFFAIRSX (ADC) 3
LT SPINDLE, LT Robertson 3
LT MECKS, p Leach 3
LT DORSEY, LT QUESONBERRY 3
MAJOR SHABAZZ, CPT DECLERQUE 3
All who are Deputies 3
FAIRFAX county Sheriffs Dept 3
Sued individually and in 3
Their official capacities 3
Defendants 3



I. JURISDICTION & VENUE

This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of state law, of rights secured by the U.S. Constitution. The court has jurisdiction under 28 U.S.C. Section 1331 and 1333 (A)(3). Plaintiff Yates seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202, and injunctive relief under 28 U.S.C. Section 2283 & 2284 and Rule 65 of the Federal Rules of Civil Procedure.

The Eastern District of Virginia is the appropriate venue under 28 U.S.C. section 1331(b)(2) because it is where the events giving rise to the claims arose.

II. PLAINTIFF

plaintiff Corie Yates, is and was at all times mentioned herein a prisoner of the Fairfax County Adult detention center in Virginia criminal justice. He was currently in confinement at Fairfax County Adult detention center until he was transferred to Prince George's County corrections, in Upper Marlboro Maryland.

III. Defendants

Defendant Stacey Kincaid is the head Sheriff at Fairfax detention center. She is legally and fully responsible for the daily operations, and for the welfare of all inmates at Fairfax jail.

Defendants CPT. DeGare, major shabazz LT Quesenberry, LT Spindle, LT Robertson, LT Meeks, LT Dorsey and P Leach are all deputies at the Fairfax Adult detention center who, at all times mentioned in this complaint held the rank of deputy officer and was assigned to Fairfax (ADC).

Each defendant is sued individually and in their official capacity. At all times mentioned in this complaint each defendant acted under the color of law.

IV. Facts

On August 22, 2021, Plaintiff Conie Yates was arrested and transported to the Fairfax County Hospital for a broken leg. Yates went under surgery having a metal rod placed in his leg which extends from his knee down to his ankle.

On August 25, 2021 Yates was transported to the Fairfax County (AOC) and placed on the medical unit, upon arrival he was placed on 2 Deputy Escort with hand and leg restraints when ever out of the cell, which has made it nearly impossible to walk to the nurse's station. Thus being only 2 days out of surgery, having to report to the nurse's station 3 times a day 9:00 AM, 3:00 pm and 9:30 pm. Coming out of the cell Yates was subjected to unusual and strenuous activity, placing my hand through the food slot to be handcuffed were they attached this leash similar to a dog leash to the handcuff's while my hands were through the food slot having to bend over which was extremely uncomfortable, then walking in a bent over position as they open the door, walking with the door while hands were through the food slot handcuffed

Attached to the leash which was still tied to the door handle causing severe pain to his injured leg. Once door was open trying to lift each leg so the shackles could be placed around the ankle causing excessive amounts of pain and still being tied to the door as they proceeded. That's when i mentioned to the deputies about the pain and you could see the swelling around my leg where the shackles rested. One of my medications was for swelling. So when i voiced this problem and said why must you do this i had a metal rod just placed in my leg a few days ago you could see the stitches and swelling and can i have a wheelchair to accommodate me. I was denied and told that any concerns are to be taken up with the classification sector. You have a review on September 16, 2021.

On September 16, 2021, A review of me Yates classification status was conducted by defendant LT. Spindle an LT Robertson both whom were made aware of Yates injured condition which was explain to them again by Yates telling them the pain the shackles were causing. Yates was denied any accommodation

And continued with the imposed restrictions whom defendant CPT. DE GENE APPROVED.

I appealed which was denied also. Yates being shackled on the medical unit went on from August 25, 2021 to September 24, 2021 until he was moved to a different unit where he uses crutches and they continue to put shackles on his legs.

On October 27, 2021 Yates applied for another review which was held by Defendant LT MACKS and LT QUESENBERRY to whom I explained the extreme risk and pain to my injured leg the shackles cause and the difficulty in my walking. Seeing that I am now using crutches and still have not been afforded the use of a wheelchair.

I made known that I also attend physical therapy to help the repositioning of my leg which also the Therapist has voiced her concerns about the treatment and placement of the shackles as well as the risk. To which I was maliciously denied in addition to the restrictions were upheld which have been APPROVED AGAIN by CPT. DE GENE. Even though on both reviews it states I been showing positive behavior

Every since I entered the jail but yet still no charge in custody status.

On October 27, 2021 Mr Yates filed an Appeal which was denied by Defendant Major shabazz letting him know my concerns and asking him to converse with Defendant P. Leach The (AOD) coordination about accomodation for my DisAbility and the use of shackles when out of my cell period. And still none were made Thus I am Siling Suits on these named defendants and Also STacey Kincaid (The Head Sheriff) And over seer of operations and policies. The protocols put in place deliberately Affecting my medical status and none of the said defendants attempted to make Accomodation.

- Access to the courts violation claim -

On November 15, 2021, Mr Yates was interfered with by Prison official Defendant LT Dorsey when trying to pursue legal action. multiple times I applied for a grievance first on 11-12-2021 when I was told I didn't follow procedure, So I applied Again numbering every step taken to follow procedure once it was established that I followed procedure

I was told by LT Dorsey that they would reach out to medical which medical had no reason to be contacted which they knew of my medical situation the injury to my leg. Once I followed all procedure to obtain a grievance I should have received one my complaint was for the shackles being placed on my leg nothing dealing with medical. After weeks of waiting I got no response, so I logged in and commented about the wait and what was going on doing this on two different occasion via the smart communications kiosks were all documentation must be gathered from on 11-12-2021 Reference # 10,233,097. On 11-15-2021 Reference # 10,254,082 and Reference # 10,253,941. I never was answered and my documentation was ignored when I made a few comments about it. Thus being denied access to the courts by LT Dorsey deliberately blocking the grievance procedure so I couldn't pursue legal action.

V. Medical care

While suffering pain to my injured leg and swelling from shackles and requesting

Accommodation to support my medical situation. All defendants refused to assist the plaintiff, or to seek medical intervention and care.

VI. Exhaustion of Administrative Remedies

The plaintiff has exhausted his administrative remedies with respect to all claims against all defendants. Copies of such could be collected via the smart communication kiosk at Fairfax County (ADCC). (1) 11/12/2021 - Reference # 10,233,097
(2) 11/15/2021 - Reference # 10,254,082
(3) 11/15/2021 - Reference # 10,253,941 (4) 12/18/2021
Reference # 10,421,237 (5) 12/13/2021 Reference #
10,465,539.

VII. Claims for Relief

The actions of Defendants in this suit, is denying and failing to remedy a medical situation which they knew was objectively unusual failing to take action they are in fact Deliberate Indifferent thus showing medical Indifference and neglect and not accommodating an inmates medical condition, were done sadistically and maliciously and constituted cruel and unusual punishment in violation of the Eighth Amendment of the U.S. Constitution.

VIII Relief Requested

Wherefore, plaintiff requests that the court grant the following relief:

- A. Issue a declaratory judgement stating that:
 1. The action of the defendants, violated the plaintiffs rights under the Eighth Amendment of the United States Constitution.
- B. Issue an injunction ordering the Fairfax County Adult Detention Center to:
 1. put in place better measures and ways for an inmate to receive and actually get a grievance
- C. Award compensatory damages in the following amounts:
 1. \$100,000 Jointly and Severally Against defendants Stacey Kinesid, CPT DEGreare, LT Quesonberry, LT Spindler, LT Robertson, LT Meeks, P Leach, LT Dorsey, major Shabazz and Fairfax County sheriffs Dept. for medical indifference and neglect and Deliberate Indifference
- D. Award punitive damages in the following amounts:
 1. \$20,000 Each Against all defendants
- E. Grant such other relief as it may appear plaintiff is entitled.

27, January, 2022

Respectfully Submitted,

Corie Yates

Corie Yates

13400 Dill Rd

Upper Marlboro MD 20772

Verification

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Upper Marlboro, Maryland on 1-27-2022

Corie Yates

Corie Yates

13400 Dilley Rd

Upper Marlboro MD 20772